

1 HOUSE BILL NO. 187

2 INTRODUCED BY A. BUCKLEY, J. GILLETTE, S. FITZPATRICK

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THAT CHILD CARE IS A RESIDENTIAL USE OF
5 PROPERTY AND A RESIDENTIAL PURPOSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE, A
6 RETROACTIVE APPLICABILITY DATE, AND AN APPLICABILITY DATE."

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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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10 NEW SECTION. Section 1. Home based child care. Unless the clear and express terms of a
11 covenant provide otherwise, providing child care is a residential use of property and is a residential purpose.

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13 NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an
14 integral part of Title 70, chapter 17, part 2, and the provisions of Title 70, chapter 17, part 2, apply to [section 1].

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16 NEW SECTION. Section 3. Severability. If a part of [this act] is invalid, all valid parts that are
17 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,
18 the part remains in effect in all valid applications that are severable from the invalid applications.

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20 NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

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22 NEW SECTION. Section 5. Retroactive applicability. [This act] applies retroactively, within the
23 meaning of 1-2-109, to covenants on residential property in existence before [the effective date of this act] that
24 do not clearly and expressly address child care.

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26 NEW SECTION. Section 6. Applicability. [This act] applies to covenants on residential property in
27 existence on or after [the effective date of this act] that do not clearly and expressly address child care.

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